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September 2, 2020

VIA ECF

Hon. Katharine H. Parker
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Gunter v. N.Y.C. Dept. of Corrections, et al.
Docket No. 18-CV-0756

Dear Judge Parker:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for the sole remaining Defendant, Correction Officer Melissa Rodriguez, in the above-referenced action. Pursuant to Rule I.f of the Court's Individual Practices in Civil Cases, I write to respectfully request an adjournment of the settlement conference in this matter, from September 8, 2020 to September 29, 2020. I also respectfully request that the Court issue an order directing the Five Points Correctional Facility to produce Plaintiff for the conference on September 29, 2020.

By Order dated July 16, 2020 (ECF No. 39), the Court scheduled a settlement conference in this matter, to be held on September 8, 2020 at 10:00 AM, and further ordered that "Defendant shall be prepared with authority to settle the matter at the upcoming conference."

I write now to respectfully request a three-week adjournment of the settlement conference in this matter, from September 8, 2020 to September 29, 2020, to allow my office additional time to obtain settlement authority from the Comptroller's Office. As Plaintiff is currently incarcerated, I also respectfully request that the Court issue an order directing the Five Points Correctional Facility to produce Plaintiff for the conference on September 29, 2020. To this end, I attach a proposed order, for the Court's consideration.

This is Defendant's first such request. As Plaintiff is incarcerated, and as not to delay this request, I have not been able to speak with Plaintiff to obtain his consent.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/

Copatrck Thomas
Assistant Corporation Counsel

cc: Harvey Gunter
DIN #18-A-1208
Plaintiff pro se
Five Points Correctional Facility
Caller Box 119
Romulus, New York 14541

The telephonic Settlement Conference in this matter that is scheduled for Tuesday, September 8, 2020 at 10:00 a.m. is hereby rescheduled to Wednesday, October 21, 2020 at 10:00 a.m.

It is hereby ordered that the Warden of other official in charge of the Five Points Correctional Facility produce Plaintiff Harvey Gunter, DIN No. 18-A-1208 on October 21, 2020 by no later than 10:00 a.m., to a suitable location within the Intake Center that is equipped with a telephone, for the purpose of participating by telephone in a conference with the Court and Defendant's counsel. If the scheduled time and date presents a hardship, the Warden or the Warden's designee should promptly inform chambers by calling Courtroom Deputy Chris Aiello at (212) 805-0234.

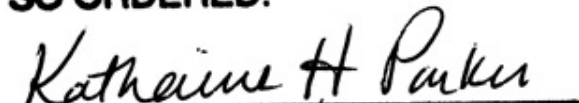
Defendant's counsel is directed to call Judge Parker's teleconference line at the scheduled time with the Plaintiff already on the phone. Please dial (866) 434-5269, Access code: 4858267.

The Clerk of Court is requested to mail a copy of this order to the Plaintiff and Warden in charge of the Five Points Correctional Facility:

Harvey Gunter
DIN #18-A-1208
Plaintiff pro se
Five Points Correctional Facility
Caller Box 119
Romulus, New York 14541

WARDEN
Five Points Correctional Facility
6600 State Route 96,
Romulus, NY 14541

SO ORDERED:



**HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE**

09/03/2020